

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

EDWARD BRONSON and
E-LIONHEART ASSOCIATES, LLC,
d/b/a FAIRHILLS CAPITAL,

Defendants

and

FAIRHILLS CAPITAL, INC.,

Relief Defendant.
-----X

No. 12 Civ. 6421 (KMK)(JCM)

**DECLARATION OF KEVIN P. MCGRATH IN COMPLIANCE WITH THE COURT’S
OCTOBER 13, 2015 ORDER**

I, KEVIN P. MCGRATH, declare as follows:

1. I am a Senior Trial Counsel in the New York Regional Office of the Securities and Exchange Commission (the “SEC”). I am a member in good standing of the bar of the State of New York, and am admitted to practice before the U.S. District Court for the Southern District of New York in the above-captioned matter. I submit this declaration in compliance with the Court’s October 13, 2015 Order directing the parties to submit a factual assertion setting forth when the SEC requested from the Federal Bureau of Investigation a copy of the 41 boxes that the FBI obtained in executing a search warrant at Relief Defendant Fairhill Capital, Inc.’s offices on November 15, 2012.

2. On September 30, 2014, I emailed an FBI agent and an Assistant U.S. Attorney asking them to send me a copy of a “doc lab” report that I understood to be a summary or an

analysis of the documents seized pursuant to the November 15, 2012 search warrant. I had learned of the “doc lab” report during a telephone conversation with the FBI agent and AUSA on September 29, 2014. I do not recall whether I also made a verbal request for the “doc lab” report during the September 29, 2014 call. Later on September 30, 2014, after I had sent an email request for the “doc lab” report, the AUSA advised me that the FBI would be sending me all of the documents seized pursuant to the execution of the search warrant. I do not have a recollection whether I verbally asked the FBI for all of the seized documents on either September 29, 2014 or September 30, 2014 (as opposed to just the “doc lab” report which I requested in writing on September 30) or whether the AUSA offered them to me unasked. I subsequently learned that there was no “doc lab” report. I had email and possibly telephone communications with the FBI subsequent to September 30, 2014 asking them to send me copies of the 41 boxes.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed: New York, NY
October 15, 2015

/s/ Kevin P. McGrath

Kevin P. McGrath
SECURITIES AND EXCHANGE COMMISSION
New York Regional Office
200 Vesey Street, Suite 400
New York, New York 10281-1022
(212) 336-1100
mcgrathk@sec.gov